Supreme Court, U.S.
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IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1996
No. 96-1400

STATE OF CALIFORNIA
STATE LANDS COMMISSION
Petitioners,

v.

DEEP SEA RESEARCH, INC.
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF FOR AMICI STATES OF FLORIDA, ALABAMA, ALASKA, GEORGIA, IDAHO, ILLINOIS, LOUISIANA, MARYLAND, MICHIGAN, MISSISSIPPI, NEW YORK, NORTH CAROLINA, SOUTH CAROLINA, THE COMMONWEALTHS OF MASSACHUSETTS AND VIRGINIA, AND THE TERRITORIES OF GUAM AND THE VIRGIN ISLANDS IN SUPPORT OF PETITIONERS

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STATEMENT OF INTEREST OF AMICUS CURIAE

The decision below interprets the Abandoned Shipwreck Act of 1987, 43 U.S.C. § 2101, et seq (hereinafter "ASA"), in a manner that is contrary to the intent of Congress. In enacting the ASA, Congress intended the States to have a major role in the preservation and management of historic shipwrecks. 43 U.S.C. § 2101 and § 2104. The Ninth Circuit's dcision has not only created a waiver of the States' 11th Amendment immunity, but has also made it infinitely more difficult for the States to manage historic, abandoned vessels on their property.

The States have a substantial interest in this controversy because they are the owners of the submerged sovereignty bottom lands of oceans, gulfs, bays, lakes and rivers within each State's respective territorial jurisdiction. Within the States' lands are some 2,000 to 5,000[1]/ documented or

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1/ This number may be even larger. For example, within the past year, Florida's Division of Historical Resources has confirmed the

(continued...)

potential historic shipwrecks[2]/ The States have enacted laws that created programs managing historic shipwrecks.

If the Ninth Circuit's interpretation of the Act is allowed to stand, the States' laws and management programs, and the resources so far expended to protect historic shipwreck sites, would be both presently jeopardized and either diminished or curtailed in the future. It would be difficult to implement and maintain a program of historic preservation.

The States support the State of California in seeking Supreme Court review and reversal of the decision of the Ninth Circuit for the reasons stated.

(...continued)
location and general identification of a Spanish shipwreck discovered in 1992 in Pensacola This wreck is one of seven vessels of the expedition of Tristan de Luna y Arellano known to have sunk during a hurricane of 1559. These vessels may be the oldest known shipwrecks in American history. They are but part of more than 100 historic shipwrecks lying in Pensacola Bay.

[2]/ *See, e.g.*, Department of Interior's Guidelines, Part IV, 55 Fed.Reg. 50116.

REASONS FOR GRANTING THE WRIT

I. THE ABANDONED SHIPWRECK ACT IS AN HISTORIC PRESERVATION LAW

1. CONGRESSIONAL PROTECTION OF AN IMPORTANT CULTURAL RESOURCE.

Important to this case, and missed by the Ninth Circuit Court of Appeals, is the nature of the Abandoned Shipwreck Act, 43 U.S.C. §§ 2101, *et seq.* (hereinafter "ASA") and the reason Congress enacted it in the first place. The Court of Appeals missed this focus and, thus, has hamstrung the States in their role as protectors and managers of historic shipwrecks. Amici would assert that, after the decision below, the protection and management of historic shipwrecks is more precarious now than before the passage of the ASA.

The ASA was Congress' pronouncement for the preservation, protection and management of historic shipwrecks. While the ASA alos protects shipwrecks located on Federal owned lands, the vast majority of historic

shipwrecks lie on state-owned sovereignty lands. Therefore, Congress is looking to the States to carry the burden in preserving, protecting and managing these precious submerged cultural resources.

The purpose of the ASA is clear in its legislative history. The Seventh Circuit Court of Appeals noted in *Zych v. Unidentified, Wrecked and Abandoned Vessel*, 941 F.2d 525, 528-530 (7th Cir. 1991), that the intent of Congress was to enact a law that protected historic abandoned shipwrecks and provided for the responsibility to manage these shipwrecks.[3]/ Because of specific purpose, the legislative scope of the ASA is quite narrow. Id., at 529 and 530. The number of vessels thus covered by the ASA is quite small. Id., at 529 [the number of vessels is estimated

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[3]/ Citing often the reports of the House and Senate, the Seventh Circuit repeatedly found that the Congressional intent in the passage of the ASA was to protect and manage "historic shipwrecks." Id., 941 F.2d at 528 and 529 ["ensure protection of shipwrecks of historic significance"] ["admiralty not suited for the preservation of historic shipwrecks"].

to be between 2,500-5,000].

Congress asserted title only to abandoned shipwrecks that were embedded in the soil of the waters of the United States, embedded in coralline formations, or included in, or eligible for inclusion in, the National Register of Historic Places. 43 U.S.C. § 2105(a). Thus, shipwrecks lost for more than the period of time it takes to be eligible to be placed on the National Register of Historic Places would be presumed to be both historic abandoned. After reserving title to those historic shipwrecks lying on lands owned by the United States and the Indian Tribes, 43 U.S.C. § 2105(d), Congress transferred title to the other historic shipwrecks to the respective states and territories. 43 U.S.C. § 2105(c).

2. *STATES HAVE TRADITIONALLY PROTECTED AND MANAGED HISTORIC SHIPWRECKS*

Maritime properties, sites, objects and artifacts have been part of traditional historic preservation. Because of this tradition, there are a number of federal, state, local, and private maritime parks, museums and exhibits across the

nation dedicated to maritime history.[4]/ In fact, governments have been the primary managers of historic shipwrecks.

The States, like Congress, protect and study their archeological treasures.[5]/ The preservation and management of historic shipwrecks, as the States well know, consists of various decisions necessary to determine the best use of each particular wreck. This process involves many experts such as archaeologists, environmentalists and land use managers. The States' aim is to decide first if a site will be used at this time. Then, is a site is to be used, among the competing users of the site, who will best be able to utilize a particular site; and how a site will be prepared and actually used.[6]/

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[4]/ *See* Addendum A for a representational listing of such parks, museums and exhibits.

[5]/ State historic protection laws are set forth in *Petitioners' Brief*, p.15, n.5. and underwater preservation laws at *Petitioners' Brief*, p.17, n.6.

[6]/ An example of state management of an historic shipwreck
(continued...)

Much of the process revolves around the physical location of the wreck and the environment it is in, the nature of the wreck, and what use of the wreck would be in the best interest of the public. The primary competing interests affected by such management are archaeologists, sport divers, commercial and recreational fishermen, tourist development proponents and salvors.

For archaeologists, the purpose is to recover the "history" of the vessel and provide a proper historical context. Because of the current financial and technological limitations of archaeology, the decision is often made to leave a particular vessel untouched; to preserve it for later research when methods may be more advanced than at

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(...continued)
site is Florida's "Urca de Lima Underwater Archeological Preserve." The Urca De Lima sank as part of the Spanish "Plate Fleet of 1715." Florida has chosen to allow no further excavation of the remains of the vessel, deciding that its best use was for sport divers to enjoy the experience of seeing close to shore the remains of a colonial vessel. Florida has done this with other historic shipwrecks and is in the process of establishing more.

present. If the decision is reached that a wreck can be explored today, archaeologists would do so by recording and plotting all items found on the bottom, and carefully removing them for preservation, treatment and analysis. The recovered items will remain in the public domain for museum exhibition and for study.

If the wreck is historic, yet of a nature that archeological recovery is not necessary, then it must be decided whether the wreck is better left undisturbed for sport divers and tourism or whether to permit commercial salvage of the wreck. Of course, any of the above described activities would only be permitted if there were no environmental hazard or destruction or threat to the economic health of local communities (e.g. harm to fishing practices, endangered species, or recreational areas).

3. ADMIRALTY COURTS ARE NOT MANAGERS

The admiralty courts, on the other hand, are not managers at all. While the precise scope of admiralty

jurisdiction does not have an accurate history, *Atlantic Transport Co. of West Virginia v. Imbrovek*, 234 U.S. 52 (1913), nor are its boundaries precisely set, *The Lottawanna*, 88 U.S. (21 Wall.) 588, 574-76 (1874), such jurisdiction has never included the preservation and daily management of underwater cultural sites or objects.[7]/ No party ever involved with the question of historic shipwrecks has been able to point to one case in which an historic shipwreck was "managed," as opposed to "salvaged." Admiralty law has never had any interest, whether central or peripheral, in the management of historic shipwreck sites.

The fact is, admiralty law is restricted to "salvage" of a vessel. A federal court is ill prepared to determine if a

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[7]/ The Seventh Circuit found that historically, "the primary focus of [admiralty] jurisdiction 'is unquestionably the protection of maritime commerce.'" *Zych*, 941 F.2d at 531, citing *Foremost Insurance Co. v. Richardson*, 457 U.S. 668, 674 (1982). The law of salvage arose "to offer economic incentives to seamen observing ships and cargo in immediate marine peril to undertake rescue efforts." *Zych*, 941 F.2d at 531. The ultimate purpose of salvage was the expeditious return of the ship and its cargo to the stream of commerce.

particular historic shipwreck is to remain undisturbed or be disturbed; if disturbed, whatever such disturbance will cause environmental, recreational, historical or fisheries damage[8]/; and if the wreck is to be used, what is the best use of the historic vessel in that particular location of the state. The federal court's scope is limited to reward the salvor for what he brings to the surface, irrespective of any harm or damage done by the salvor to the wreck or the surrounding environment and irrespective to any management decisions concerning the historic shipwreck's best use.

The very philosophy of historic preservation is contrary to the notion of salvage. Preservation often involves leaving the historical remains undisturbed or, having disturbed a

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[8]/ In much of the Southern United States, as in Florida, many of the historic shipwrecks are no longer intact, but rather are broken up and spread out over an area. Additionally, as was pointed out in *Cobb Coin, Inc. v. Unidentified, Wreck and Abandoned Vessel*, 549 F. Supp. 450, 560 (S.D. Fla. 1982), these remains typically lie buried in the sands some 4-20 feet below the surface of the bottom. In effect, the methods used by salvors in the attempted recovery of such vessels amounts to "mining" of the bottom to find the artifacts revealed by a metal detector.

particular site, leaving the remains exposed in place for the public to view. When an historic shipwreck site has been chosen for archaeological investigation, the process is different from that of salvage. The object of salvage is to remove those commercially valuable items from the wreck so that the salvor can make a profit; there is no requirement on a salvor to recover everything nor to interpret the shipwreck site.[9]/ An archaeological recovery is time consuming, and profit is not the motive.

II THE NINTH CIRCUIT'S DECISION NEGATES MUCH OF THE ASA AND THE STATES' PROGRAMS FOR PROTECTION AND MANAGEMENT OF HISTORIC SHIPWRECKS.

Having compared and contrasted the natures of historic preservation and admiralty law and having presented Congress' intent for the passage of the ASA, the decision of

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[9]/ For an interesting description of the harm that can be done to archaeologic study of a historic shipwreck by improper salvage methods, *see* "A Reporter at Large: The Treasure of the DeBraak" *The New Yorker*, August 15, 1988, p.33 *et seq.* *See also* Shomette, Donald. *The Hunt for HMS De Braak: Legend & Legacy*. Carolina Academic Press: Durham, N.C. 1993.

the Ninth Circuit has severely undercut the very premise and purpose of the ASA and essentially returns historic shipwrecks to the province of the admiralty courts. If allowed to stand, the Ninth Circuit's decision will place the States in a position much worse than what they were in prior to the passage of the ASA. The decision makes it infinitely more difficult for a State to claim a vessel and to manage that cultural resource for fear that someone will later come and oust the State after the State has spent public funds in the protection and management of the shipwreck.

1. *THE DECISION REINSERTS ADMIRALTY COURTS BACK INTO THE QUESTION OF ABANDONED HISTORIC SHIPWRECKS*

The Ninth Circuit's decision thrusts the federal courts right back where Congress did not want them; holding evidentiary hearings on the State's claims to historic shipwrecks. Prior to the ASA, the States, and the United States Government, had a long history of litigation with private salvors in federal courts over the ownership of

historic shipwrecks and the management of these resources.[10]/ In each of these cases, the very question of the State's title or ownership of the historic shipwreck was at issue.

The ASA was intended to remove the federal courts from this litigation over historic shipwrecks. Yet the decision of the Court of Appeals, by requiring that the States prove that they have title to the vessel by a preponderance of the evidence, reinserts the federal courts right back into an

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[10]/ *See*, e.g. **United States Government** - *Klein v. The Unidentified, Wrecked and Abandoned Sailing Vessel*, 758 F.2d 1511, 1514 (11th Cir. 1985) [affirming *Klein v. The Unidentified, Wrecked and Abandoned Sailing Vessel*, 568 F.Supp 1562, 1565 (S.D. Fla. 1983)]; **Florida** -*Jupiter Wreck, Inc. v. The Unidentified, Wrecked and Abandoned Sailing Vessel*, 691 F.Supp. 1377 (S.D. Fla. 1988); **Georgia** - *Chance v. Certain Artifacts Found and Salvaged from the Nashville*, 606 F.Supp. 801, 804 (S.D. Ga 1984), aff'd, 775 F.2d 302 (11th Cir. 1985); **Massachusetts** - *Martha's Vineyard Scuba Headquarters, Inc. v. Unidentified, Wrecked and Abandoned Steam Vessel*, 833 F.2d 1059, 1065 (1st Cir. 1987); **North Carolina** - *Riebe v. Unidentified, Wrecked and Abandoned 18th Century Shipwreck*, 691 F.Supp 923 (E.D. N.C. 1987); **Maryland** - *Subaqueous Exploration & Archeology, Ltd. v. Unidentified, Wrecked and Abandoned Vessel*, 577 F.Supp 597 (D. Md. 1983).

arena that Congress sought to remove them from. The entire "proof" of title will **not** take into consideration the need to protect and preserve the subject shipwreck or any management plan to determine the best use of the cultural resource. The public's interest is entirely lost.

The Court of Appeals' action also misses a major point under the ASA. A State would not attempt to protect, preserve or manage a shipwreck **unless it was historic**. States are not in the business of salvage and do not possess the money to manage non-historic shipwrecks. The States will only protect shipwrecks they have title to, by virtue of their own law, and intend to manage.

This reinsertion of federal court jurisdiction, when the States clearly have "colorable" title to shipwrecks eligible to on the National Historic Register, flies in the face of both the 11th Amendment and the ASA. Additionally, this will add costs to protection of historic vessels; spending money on lawyers that would have been spent on the protection and

management of the vessel.

2. *ABANDONMENT*

The Ninth Circuit now imposes on the States a standard that will be nearly impossible to meet because is it like proving the proverbial *non sequitur*. For vessels lost over 100 years, proving "express" abandonment will probably not occur on any frequent basis. First of all, if such an express abandonment occurred, evidence of such an act would most likely be lost. The States simply do not have access to whom the past owners may have been or who their decedents are. Nor are the States likely to have access to records to the vessel to determine if the vessel was insured and what happened to the insurance coverage.

Second, time, in and of itself, can be grounds to find abandonment. Nearly 20 years ago the Fifth Circuit Court of Appeals, when discussing the difference between the law of finds and the law of salvage, stated:

> Courts, however, have rejected the theory that title to such property can never be lost

and have applied the law of finds.

> Disposition of a wrecked vessel whose very location has been lost for centuries as though its owner were still in existence stretches a fiction to absurd lengths.

Treasure Salvors, Inc. v. Unidentified Wrecked and Abandoned Sailing Vessel, 569 F.2d 330, 337(5th Cir. 1978).[11]/

However, the Ninth Circuit now wants more from the States than has been required in the past. The Brother Jonathan was lost for 125 years before being found. Its location was not know for that period. The 125 year time period alone should have meant that the Brother Jonathan was abandoned.

11/ This position has been adopted by the Eleventh Circuit in *Klein v. The Unidentified, Wrecked and Abandoned Sailing Vessel*, 758 F.2d 1511, 1514 (11th Cir. 1985) ["it would be absurd to apply maritime salvage law to a vessel whose very location has been lost for centuries], and the First Circuit in *Martha's Vineyard Scuba Headquarters, Inc. v. Unidentified, Wrecked and Abandoned Steam Vessel*, 833 F.2d 1059, 1065 (1st Cir. 1987)["so long lost that time can be presumed to have eroded any realistic claims of original title"].

The Ninth Circuit also held that California had failed to prove "the owners of the vessel have failed to undertake salvage efforts." The Court did not explain how a State is go about proving whether or not salvage efforts were made by the past owners. The States do not have the records of the vessel, do not usually know who the owners were and do not usually have knowledge of any insurance companies. Without these records, the State cannot prove anything.

3. TECHNOLOGICAL REQUIREMENTS

The Ninth Circuit requirement that the technology exist to locate the vessel before finding abandonment, *Deep Sea Research, Inc. v. Brother Jonathan*, 102 F.3d 379, 388 (9th Cir. 1996), is especially troublesome for the States. The very heart of abandonment is the intent of the owner to give up, at or near the time of loss. This ruling allows the owner to never abandon the vessel because some new technology may come in the future to allow recovery of the vessel. Nors did the Ninth Circuit describe or define what

technology has to be in existence before the "time" begins to run on the owner.

This reliance on technology as the touchstone for "abandonment" is even the more interesting because upland, or land, abandonment, has never been saddled with this rule of law. Items lost on land never been restricted to those that technology can find.

4. PARTIAL ABANDONMENT

Lastly, the Ninth Circuit's decision to allow the salvor possession of the entire vessel when that salvor may have a legitimate claim to only a portion of the historic shipwreck flies in the face of logic, salvage law and proper management of the historic vessel. The hull, cargo and personal belongings on a vessel are separate and distinct so that they may be salvaged independent of one another. *See Bemis v. RMS Lusitania*, 884 F.Supp. 1042 (E.D. Va. 1995). A claim for the hull does not bring with it a claim for the cargo and belongings. Id. at 1047.

The parameters of Deep Sea Research's subrogation claim are clear. It knows what items were insured by the insurance company that insured the cargo. Those items can be identified and retained by Deep Sea Research.

By ruling that Deep Sea Research can claim the entire wreck allows the tail to wag the dog. Here we have a vessel that was not insured and no claim of ownership has been maintained since 1865 to the hull. The same holds true for the majority of the cargo and personal belongings remaining on the vessel. No subrogation to the hill or other items has been obtained by Deep Sea Research.

As to the hull and the other items not covered by subrogation, these items are clearly abandoned and covered by the ASA. The Ninth Circuit has allowed a very small claim to cargo override the ASA, depriving California of its rightful claim to this historic shipwreck.

From a management perspective, the Ninth Circuit's decision also makes no sense. This is undoubtledy an

abandoned historic vessel covered by the ASA. Deep Sea does not have any claims of subrogation from the past owners of the hull. Congress, through the ASA, intends that wrecks like the Brother Jonathan be managed in a sane and respectful manner so that many groups can benefit from the presence of the shipwreck.

If Deep Sea Research does in fact have title to some portion of the cargo, the more reasonable course would be to bifurcate ownership, giving Deep Sea Research title to some of the cargo and California title to the remainder of the cargo and the hull of the Brother Jonathan. That would leave California and Deep Sea Research to work out a coordinated plan that respects not only the salvor's rights, but also those of the environment, historic and recreational communities. That is what the ASA was created for.

CONCLUSION

This Court should grant review of California's Petition and then reverse the Ninth Circuit.

Respectfully submitted,

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ADDENDUM A

REPRESENTATIONAL LISTING OF FEDERAL AND STATE MARITIME PARKS, MUSEUMS AND EXHIBITS

The following is a representational compilation of federal, state and territorial museums and historical societies dedicated to the preservation of maritime history, sites, properties, objects and artifacts having cultural, historic or archeological value including museums, ships and shipwreck sites. Under the state and territorial listings are, in addition to the state-owned museums, are the private museums and exhibitions dedicated to maritime history.

FEDERAL:

Isle Royale National Park (16 U.S.C. Sce. 408 et seq.)
Michigan
Location of many sunken vessels

Boston National Historic Park (16 U.S.C. Sec. 4102)
Boston, Massachusetts
Home of the U.S.S. Constitution ("Old Ironsides")

Maritime National Historic Park (16 U.S.C. Sec. 410nn et seq.)
San Francisco, California
Maritime museum, including about 12 ships of various ages and purposes.

Biscayne National Park (16 U.S.C. Sec. 410gg et seq.)
Miami, Florida
Location of many sunken colonial vessels

U.S.S. Monitor Marine Sanctuary (16 U.S.C. Sec. 445)
Atlantic Ocean
Resting site of the U.S.S. Monitor, civil was ironclad

Salem Maritime National Historic Site
Salem, Massachusetts
Preservation of lands and structures having an important relationship to the maritime history of New England.

American Merchant Marine Museum
U.S. Merchant Marine Museum
Kings Point, New York
Museum dedicated the American merchant marine

Canal Park Maritime Museum
Duluth, Minnesota
Maritime history of the Upper Great Lakes owned and operated by the U.S. Army Corps of Engineers.

Naval Historical Center and Navy Memorial Museum
Washington, D.C.
The U.S. Navy's historic research center and museum reflecting the history of the U.S. Navy.

STATES:

Alabama:

U.S.S. ALABAMA Battleship Memorial Park
Mobile, Alabama
Preservation of the U.S.S. ALABAMA and other World War II naval vessels

Connecticut:

Mystic Seaport Museum, Inc.
Mystic, Connecticut
One of America's finest maritime museums consisting of both ships and land sites to reflect the maritime history of the United States.

Florida:

Urca de Lima State Underwater Archeological Reserve
Fort Pierce, Florida
Underwater remains of 1715 Spanish vessel

City of Hawkinsville
State Underwater Archeological Preserve
In the Suwannee River near Oldtown, Florida
Underwater remains of steamboat sunk in 1922.

San Pedro State Underwater Archeological Preserve
Near Islamorada, Florida
Underwater remains of 1733 Spanish vessel

USS MASSACHUSETTS Underwater Archeological Preserve
In the Gulf of Mexico off of Pensacola, Florida
Remains of the American battleship sunk for target practice by the U.S. Army in 1922.

The Emanuel Point Ship Archaeological Investigation
Believed to be sunk in hurricane in 1559. Possibly the oldest shipwreck in America of the colonial period.
Pensacola Bay
Escambia County, Florida

Georgia:

Confederate Naval Museum
Columbus, Georgia

Ships of the Sea Maritime Museum
Savannah, Georgia
General maritime museum.

Idaho:

Steamboat JEAN
Lewiston, Idaho
Restoration and preservation of strenwheeler JEAN and the maritime history of sternwheelers in the settlement of the American west.

Illinois:

Great Lakes Naval and Maritime Museum
Chicago, Illinois
Maritime history of the Great Lakes.

Indiana:

Howard National Steamboat Museum
Jeffersonville, Indiana
Dedicated to the history of steamboats on America's rivers.

Maine:

Maine Maritime Museum
Bath, Maine
Dedicated to the maritime history of coastal Maine.

Maryland:

U.S.S. CONSTELLATION
Baltimore, Maryland
Sailing frigate of the War of 1812

Baltimore Maritime Museum
Baltimore, Maryland
Museum and berthing of the submarine U.S.S. TORSK and lightship CHESAPEAKE.

Chesapeake Bay Maritime Museum
St. Michaels, Maryland
Preserving the maritime history of Chesapeake Bay.

State of Maryland
Maritime Archaeology Program
Submerged Sites List listing over 50 historic shipwrecks lying in Chesapeake Bay and the rivers of Maryland.

Massachusetts:

Boston Tea Party Ship and Museum
Boston, Massachusetts
Preserving the history of the Boston Tea Party through a museum and the brig, BEAVER II.

Michigan:

Dossin Great Lakes Museum (and the Great Lakes Maritime Institute)
Detroit, Michigan
Study and preservation of maritime history of the Great Lakes and Detroit.

Mississippi:

CAIRO Museum
Vicksburg, Mississippi
The restoration and preservation of the U.S.S. CAIRO, civil war ironclad sunk in the Mississippi River.

Nebraska:

Missouri River History Museum
Brownville, Nebraska
Maritime history of the Missouri River.

New York:

South Street Seaport Museum
New York, New York
Maritime history of New York harbor.

Whaling Museum
Cold Spring Harbor, New York
History of whaling.

H. Lee White Marine Museum
Oswego, New York
Includes maritime history of Lake Ontario.

North Carolina:

U.S.S. HURON State Historic Shipwreck Preserve
Kure Beach, North Carolina
Underwater remains of U.S.S. HURON sunk during a storm in 1877.

Ohio:

Great Lakes Historical Society Museum
Vermillion, Ohio
Preservation of maritime history of the Great Lakes and Lake Erie.

Oregon:

Columbia River Maritime Museum
Astoria, Oregon
Museum and lightship COLUMBIA dedicated to the maritime history of the Columbia River and the Pacific Northwest.

Pennsylvania:

Cruiser, U.S.S. OLYMPIA
Philadelphia, Pennsylvania
Preservation of the U.S.S. OLYMPIA, Admiral Dewey's flagship at the battle of Manila Bay,

Philippine Islands during the Spanish-American War in 1898.

Philadelphia Maritime Museum
Philadelphia, Pennsylvania
Maritime history of the Delaware River and Bay.

Rhode Island:

Herreshoff Marine Museum
Bristol, Rhode Island
Preservation of the Herreshoff yachts.

H.M.S. "Cerberus" and H.M.S. "Lark"
In Narragansett Bay near Aquidneck Island. Wreck sites of two Revolutionary War British vessels.

South Carolina:

Patriot's Point Naval and Maritime Museum
Mt. Pleasant (Charleston), South Carolina
Preservation of 20th Century merchant vessels and warships with an emphasis on aircraft carriers.

Texas:

Battleship TEXAS State Historical Park
La Porte, Texas
Preservation of the World War I and II battleship U.S.S. TEXAS.

Vermont:

Lake Champlain Maritime Museum
Basin Harbor, Vermont
Maritime history of Lake Champlain.

The "Phoenix" State Underwater Historic Preserve
In Lake Champlain
Steamboat sunk in 1819.

The "General Butler" State Underwater Historic Preserve
In Lake Champlain
Lake sailing vessel sunk in 1876.

The "Coal Barge" State Underwater Historic Preserve
In Lake Champlain
Lake/canal barge (A.R. NOYES) sunk in 1884.

The "Horse Ferry" State Underwater Historic Preserve
In Lake Champlain
Horse powered ferry believed sunk in 1840's.

Virginia:

Yorktown Shipwrecks State Maritime Archeological Site
In the York River at Yorktown, Virginia
Sunken remains of the Revolutionary War British vessels sunk by the American and French forces during the 1781 siege of Yorktown.

U.S.S. CUMBERLAND State Maritime Archeological Site
In the James River at Newport News, Virginia
Remains of the U.S.S. CUMBERLAND sunk by the ironclad C.S.S. VIRGINIA (also known as the "MERRIMACK") in Civil War.

C.S.S. FLORIDA State Maritime Archeological Site
In the James River at Newport News, Virginia
Remains of the ironclad C.S.S. FLORIDA sunk by the Confederates in Civil War.

Mariner's Museum
Newport News, Virginia
One of the nation's finest maritime museums.

Wisconsin:

Manitowoc Maritime Museum
Manitowac, Wisconsin
Maritime museum of the Upper Great Lakes.

Wisconsin Marine Historical Society
Milwaukee, Wisconsin
Maritime history of the Great Lakes and the St. Lawrence Seaway.

TERRITORIES:

Puerto Rico:

Museo de Historia Militar y Naval de Puerto Rico
San Juan, Puerto Rico
Includes the maritime history of Puerto Rico